

CITY OF **KENT**



April 11, 1985

U. S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

RECEIVED

APR 11 1985

Attn: Judy Schwartz  
Super Fund Branch M/S 525

SUPERFUND BRANCH

Re: Western Processing Feasibility Study

Dear Ms. Schwartz:

On March 11, 1985 the U. S. Environmental Protection Agency issued the FEASIBILITY STUDY for the subsurface cleanup of the Western Processing site in Kent, Washington. The FEASIBILITY STUDY (F.S.) was prepared to address a range of potential remedial measures for the Western Processing site. As stated in the F.S., the documents are not intended to be utilized for final design. Rather, the F.S. is to provide a conceptual overview of example remedial alternatives to address the problems at the Western Processing site. Comments and issues raised during the comment period following the issuance of the F.S., along with engineering, technical, public health, environmental, and cost information presented in the F.S., are to be used to develop E.P.A.'s negotiating position for the second phase of remedial action at the Western Processing site. E.P.A. has identified this phase of the remedial action at the Site as the final phase.

The comments herein are submitted on behalf of the City of Kent. The comments are organized under the heading of Future Site Use, Mill Creek Potential Off-Site Contamination, and The Process for Final Design.

FUTURE SITE USE

Example alternatives II and III identify an element of cleanup as excavation and disposal on site consistent with RCRA standards. Such an element would result in probable prohibition of use of capped areas and areas of landfill. Such an element would be inconsistent with Chapter 70.105 RCW and Chapter 173-303 WAC, Washington State Department of Ecology Dangerous Waste Regulations. See IIFS, B-28. We recognize that the elements of the example alternatives are for discussion, and we appreciate

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the candor of the Department of Ecology representatives at the meeting on April 4, 1985 in which landfilling was identified as a low priority element for consideration. The City of Kent concurs with this position.

In 1983 and 1984, the City of Kent completed an extensive planning process resulting in a Comprehensive Transportation Plan. A copy of the Plan is attached for your reference. Although it was not the subject of extended discussions in the process, the Western Processing environs play a key role in the regional transportation system. South 196th Street is identified in the Plan as a primary east-west corridor. As a primary east-west corridor, study is focused on 196th as a primary arterial between Interstate 5 and the Kent East Hill/Soos Creek Plateau. Additionally, 72nd Avenue South is identified as a north-south industrial collector street. While it is technically possible to re-route 72nd around the Western Processing site, such a plan would certainly diminish the effectiveness of this route intended to diminish the pressures on the nearby West Valley Highway. Prohibition on future use of the site may significantly impact future transportation planning by King County, the City of Renton and the City of Kent.

In addition to transportation planning, the City of Kent is in the process of formulating future plans for garbage and refuse disposal. Waste energy facilities, which is an option to be considered, are not usually favored with substantial public support. A waste energy facility may be considered by the public as an appropriate use for property previously subject to misuse or contamination. Cleanup of the site should be accomplished, but future site utilization should not be foreclosed in the process. Consequently, excavation and removal of contaminated soils from the site to an approved RCRA landfill should be a preferred element of any final cleanup plan.

With respect to the excavation element necessary for final cleanup, it should be noted that excavation should not only provide for the removal of specific levels of contaminated soils, but also should provide for removal of foreign materials as discovered. The experience of the contractor in the surface clearance demonstrates that there are substantial materials remaining under the surface. Data leading to a final design should necessarily include results of magnetometer or surface-penetrating radar tests. Additionally, drains, basins, or septic fields should be excavated completely. The City understands that the data currently available is for the conceptual design of the final cleanup, and not for the final design. We have been assured by the Environmental Protection Agency that the final design for subsurface cleanup of the Western Processing site will include necessary data to deal with these and other identified concerns.

MILL CREEK

At the early stages of the Western Processing remedial actions, the utilization of Mill Creek as a significant element of regional storm drainage was present. On April 1, 1985, the City of Kent implemented a Storm Drainage Utility. A copy of Ordinance 2547 is attached hereto. At the same time, the Kent City Council adopted a Storm Drainage Utility Master Plan. A copy of the Master Plan EXECUTIVE SUMMARY is attached for your reference. The Drainage Master Plan calls for construction of major storm-water retention facilities south of Mill Creek. Consequently, Mill Creek is not indicated to be enlarged or otherwise altered as an element of the City of Kent's storm drainage system. It remains, however, an integral part of the entire system. Attached are references from the Drainage Master Plan prepared by the City of Kent Public Works Department, showing the adopted alternative ("A1") for Lower Mill Creek.

Perhaps of more significance in considering the elements relating to Mill Creek cleanup is the City of Kent's firm commitment to water quality. The City of Kent has expended substantial resources on the protection and rejuvenation of Mill Creek. Upper Mill Creek Park is an example of this commitment. The current designs for the Kent Senior Center call for further reopening of the creek bed north of the existing Mill Creek Park. While more work remains to be done, the cleanup of Mill Creek in the area of Western Processing remains a key element in not only the remedial measures for Western Processing, but for Mill Creek as a whole. Again, we understand that the current information on the contamination in Mill Creek is only for conceptual design of a final cleanup plan. We also understand that additional data will be collected during the final cleanup to determine the measures necessary for Mill Creek cleanup. For example, priority pollutant metals appear to be present in Mill Creek sediments in leachable form. IFS,3-214. Should this data be confirmed during the course of final cleanup, we would expect that the cleanup plan would provide for remedial measures to return Mill Creek to background levels.

As additional evidence of the commitment to water quality throughout the City of Kent, attached is a copy of those provisions of the Kent Zoning Code providing for water quality and regulation of hazard area development. KCC 15.08.220 and KCC 15.08.222, WATER QUALITY AND HAZARD AREA DEVELOPMENT. See also KCC 7.20.210E. "Water Quality Charges," and KCC 7.20.260 and KCC 7.20.270 concerning unlawful discharges (Ordinance 2547, referenced previously). These regulations specifically provide for stream preservation, and protection of water quality degradation by future development. We have no reason to believe that the Environmental Protection Agency is less concerned about the future water quality of Mill Creek.

#### POTENTIAL OFF-SITE CONTAMINATION

Excavation of contaminated soils in off-site areas II, III, V, VIII and X are elements in example alternatives preferred by the City of Kent. As discussed previously, excavation is coupled with removal to off-site RCRA landfills. Except for area VIII, the remaining areas to be excavated (including area I, the specific Western Processing site) are east of Mill Creek. Current information for this conceptual stage of design indicates that contamination of soils and ground water west of Mill Creek are not a result of Western Processing. See IFS,3-112,3-164. Although a final plan may not incorporate specific measures for cleanup of off-site contamination in areas west of Mill Creek, we understand that provisions are to be made for multiple completion wells west of Mill Creek to monitor ground water during the course of the final phase of the cleanup at Western Processing. Should it be determined that there is ground water transportation of contaminants, provisions are to be made for the remedy of such contamination.

#### PROCESS FOR FINAL DESIGN

The first public presentation by the Environmental Protection Agency, CH<sub>2</sub>M Hill, and representatives of the potential responsible parties (PRPs) on March 21, 1985 raised substantial questions concerning the procedure proposed to be followed in implementing a final cleanup of the Western Processing site. It has later been clarified that E.P.A. and its consultants are convinced that sufficient data exists at the current time for conceptual design of a cleanup plan at Western Processing. The FEASIBILITY STUDY is not intended to be an identification of final design alternatives, but rather a conceptual overview of example remedial alternatives that will assist the E.P.A. in developing a final design, and in negotiating with responsible parties concerning that final design. We understand that shortly after comments are received on the FEASIBILITY STUDY, the E.P.A. and the Department of Ecology will enter into negotiations with the responsible parties. The parties are optimistic that such negotiations will lead to a final remedial plan for subsurface cleanup of the Western Processing site. That plan is to be incorporated into a consent decree. The decree is to be subject to a thirty day comment period. Following the comment period, the consent decree is to be reviewed by the Federal District Court for the Western District of Washington. It is our understanding that after the consent decree is finalized and site work commenced, additional testing will be conducted and data gathered. There has been substantial concern expressed that no comment or public review of the process will be available after this point. The concern expressed is that the cleanup process will not be subjected to public scrutiny to examine whether the final design alternative selected will in fact accomplish the purposes of final site cleanup.



The City of Kent recognizes the difficult procedural situation in which the parties find themselves. It is likely that certain phases of the final cleanup will take years before actions, or extent of measures to be taken, are determined. For example, until migration of ground water off the site is controlled, cleanup of contaminants in Mill Creek resulting from the migration of ground water is not feasible or appropriate. We would expect that any plan for final cleanup, however, provide for the cleanup of Mill Creek should it be determined that following ground water control and cleanup, that contaminants remain in a state harmful to the Creek. Additionally, negotiations of a settlement of pending litigation do not lend themselves to the public hearing process. It should be recognized, however, that this approach could adversely affect the community support that the regulatory agencies and the responsible parties have developed to date. Public response should be made to the comments to the FEASIBILITY STUDY. Dissemination of information sufficient to provide public confidence in the process leading to a final consent decree without unduly burdening or disturbing the negotiation process should be attempted. While it appears that the E.P.A. and the responsible parties are not interested in an intermediate remedial step in the process of final cleanup, we think that because of the potential for future and as yet unidentified remedial measures, provisions should be made in any consent decree to provide for contingencies such as the cleanup of Mill Creek and ground water contamination west of Mill Creek. The City of Kent urges that the responsibility for such a cleanup be defined in the event that the data should confirm the spread and extent of contamination not previously identified. Alternatively, a process for providing for such cleanup measures should be specifically identified.

The City of Kent continues to support the Environmental Protection Agency, the Department of Ecology, and the potential responsible parties in resolving this matter. We will continue to provide facilities and support for your activities, and provide additional assistance.

Very truly yours,



P. Stephen DiJulio  
City Attorney

Enclosures

Copy: Attached List